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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,785	09/08/2003	Charles D. Gollnick	14206US03	1344

7590 09/10/2008
Christopher C. Winslade
McAndrews, Held & Malloy
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500 W. Madison Street
Chicago, IL 60661

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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09/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,785

Applicant(s)

GOLLNICK ET AL.

Examiner

PHILIP J. SOBUTKA

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-42, 46-51, 55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-42, 46-51 and 55 is/are allowed.
- 6) ☒ Claim(s) 55 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Allowability Withdrawn

1. The indicated allowability of claims 55 and 56 is withdrawn in view of the newly discovered reference(s) to Schmidt. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 4,964,121) in view of Schmidt (US 4,135,059).

Consider claim 55. Moore teaches a method for operating a node in a wireless network (Moore's communication units are nodes in a wireless network, see figure 1) comprising:

waking a node in a low power state at regular intervals (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

receiving at the waken node a message that is transmitted periodically (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

synchronizing the node to the received message (Moore also teaches synchronization, see for example columns 7, line 31 – column 8, lines 65); and

switching operation of the node to an active state in response to the received message (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65).

Moore lacks a specific teaching of the regular interval being a multiple of a period at which the message is transmitted. Note that Moore teaches a time division multiplexing system (see Moore, figures 4a-d, column 1, lines 40-55). Schmidt teaches a time division multiplexing system in which a receiving station (corresponding to the claimed node) receives in regular intervals that are integral multiples of the channel slots (corresponding to the claimed "period") from a synchronizing frame reference (see for example Schmidt column 2, lines 45-54). Note that Schmidt's frame reference is itself sent at regular intervals (see for example Schmidt column 1, lines 28-32). Schmidt teaches that this allows for efficient utilization of capacity (see Schmidt column 1, lines 25-30). Therefore it would have been obvious to one of ordinary skill in the art to modify Moore to use the integral multiple arrangement as taught by Schmidt in order to efficiently utilize capacity.

Consider claim 56. Moore teaches an electrical circuit for utilization in a node of a wireless communication network (Moore's communication units are nodes in a wireless network, see figure 1), the electrical circuit comprising:

at least one circuit that operates to, at least:

wake a node in a low-power state at regular intervals (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

receive at the waken node a message that is transmitted periodically (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

synchronize the node to the received message (Moore also teaches synchronization, see for example columns 7, line 31 – column 8, lines 65); and

switch operation of the node to an active state in response to the received message (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65).

Moore lacks a specific teaching of the regular interval being a multiple of a period at which the message is transmitted. Note that Moore teaches a time division multiplexing system (see Moore, figures 4a-d, column 1, lines 40-55). Schmidt teaches a time division multiplexing system in which a receiving station (corresponding to the claimed node) receives in regular intervals that are integral multiples of the channel slots (corresponding to the claimed "period") from a synchronizing frame reference (see for example Schmidt column 2, lines 45-54). Note that Schmidt's frame reference is itself sent at regular intervals (see for example Schmidt column 1, lines 28-32). Schmidt teaches that this allows for efficient utilization of capacity (see Schmidt column 1, lines 25-30). Therefore it would have been obvious to one of ordinary skill in the art to modify Moore to use the integral multiple arrangement as taught by Schmidt in order to efficiently utilize capacity.

Allowable Subject Matter

5. Claims 40-42 and 46-51 are allowed for the reasons presented in applicant's response.

Response to Amendment

6. Applicant's arguments with respect to claims 55 and 56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. SOBUTKA whose telephone number is (571)272-7887. The examiner can normally be reached Monday through Friday from Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-41774711.

8. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Philip J Sobutka/

Examiner, Art Unit 2618

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